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6 Attorneys for Plaintiff Shell Guam, Inc.

FILED
DISTRICT COURT OF GUAM
AUG 15 2003
MARY L. M. MORAN
CLERK OF COURT

9 IN THE DISTRICT COURT OF GUAM

10 SHELL GUAM, INC.,) CIVIL CASE NO. CIV03-00021
11 a Guam corporation,)
12 Plaintiff,) MOTION FOR AN ORDER
13 vs.) REGARDING WEATHER CONDITIONS
14) [NO HEARING REQUIRED]
15 M/V GYOKO MARU NO. 18,)
16 and NIKKI SUISAN CORPORATION,)
17 a Japan corporation,)
18 Defendants.)

19 COMES NOW, Plaintiff Shell Guam, Inc. (hereinafter "Plaintiff") by and through its
20 attorney of record, Steven A. Zamsky, Esq., of the Zamsky Law Firm, and advises this court of the
21 matters hereinafter set forth and moves that this court enter an order as hereinafter set forth.

22 Counsel has been advised by the Custodian Captain Jurgen Unterberg (hereinafter
23 "Custodian"), that the storm which is presently near Chuuk is likely to pass over Guam and it is
24 possible that the winds will be strong enough to be a danger to the M/V Gyoko Maru No. 18
25 (hereinafter "Vessel").

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28 ORIGINAL

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6 The Vessel was abandoned by its owner at the time of its arrest and has no attorney or
7 representative on Guam as far as known to Plaintiff.

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9 The Vessel is not in a condition to be sailed.

10 Neither Plaintiff nor the Custodian desire to be responsible for any damage to the Vessel due
11 to the storm.

12 If the storm does pass over Guam, it is presently forecast to do so on Sunday morning,
13 August 17, 2003.

14 Plaintiff is therefore requesting an order now, but having it come into effect immediately
15 upon Condition II being declared.

16 **WHEREFORE**, Plaintiff moves the entry for an order as follows:

17 1. At such time within one week of the date of the order as Condition II is declared on
18 Guam, the arrest shall be released and stayed and the Plaintiff, U.S. Marshal and the Custodian shall
19 have no responsibility for any damage to the Vessel.

20 2. Custodian shall, before Condition II is declared, secure the Vessel as well as is
21 possible in light of all circumstances as is best in his judgment.

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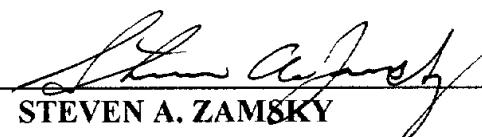
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7 3. At such time as the Island of Guam is declared to be in Typhoon Condition IV, the
8 award of arrest shall be effective and the Custodian and the U.S. Marshal shall retake possession
9 of the Vessel.

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11 Respectfully submitted this 15 day of AUGUST 2003.

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13 **ZAMSKY LAW FIRM**
14 Attorneys for Plaintiff Shell Guam, Inc.

15
16 By: 
17 STEVEN A. ZAMSKY